

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ZOROASTRIAN CENTER AND
DARB-E-MEHR OF METROPOLITAN
WASHINGTON, D.C.,

Plaintiff

v.

RUSTAM GUIV FOUNDATION, et al.

Defendants

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Civil Action No. 1:13-cv-980(LO/TRJ)

MOTION TO QUASH POST-JUDGMENT NOTICE OF DEPOSITION

COMES NOW the Plaintiff, Zoroastrian Center and Darb-E-Mehr of Metropolitan Washington, D.C. (“ZCDMW”), by counsel, and moves this Court to quash the Post-Judgment Notice of Deposition issued by Defendant, Rustam Guiv Foundation (“RGF”), and in support thereof, states as follows:

1. RGF has filed with this Court a pleading entitled Post-Judgement Notice of Deposition (“Notice”) purportedly noticing the deposition of ZCDMW for a deposition in its offices on October 28, 2014 at 10:00 a.m. The pleading was sent via Federal Express to the office of the undersigned and received on Monday, October 20th.

2. The Notice states that it is issued pursuant to Rule 69 of the Federal Rules of Civil Procedure.

3. To the best of the undersigned’s knowledge and belief, no communication was made with his office before the sending of the notice to inquire whether he would accept service of the notice

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on behalf of ZCDMW, nor to determine whether the October 28th date was available. Had RGF's counsel so inquired, counsel would have been informed that the undersigned is not in a position to accept service on behalf of ZCDMW, nor is the date requested available.

4. Rule 69 of the Federal Rules of Civil Procedure expressly provides that the "procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located...."

5. The Code of Virginia, §8.01-506, *et. seq.*, provides the procedure for post-judgment debtor's interrogatories. Such does not provide for service upon counsel of a notice of any post-judgment proceedings, nor for the conduct of the requested deposition.

6. Even were the Notice effective, the request that ZCDMW produce the myriad of documents with 8 days notice is not reasonable, nor in compliance with the requirements of Rule 34(b)(2)(A)

7. ZCDMW has been unnecessarily caused to incur attorney's fees and costs in this matter for which it should be reimbursed.

WHEREFORE, the Plaintiff, Zoroastrian Center and Darb-E-Mehr of Metropolitan Washington, D.C., pray that the subject Post-Judgment Notice of Deposition be quashed, that it be awarded its attorney's fees and costs incurred herein, and for such other and further relief as is just and proper.

**Zoroastrian Center and Darb-E-Mehr of
Metropolitan Washington, D.C.**
By Counsel

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By /s/ Robert L. Vaughn, Jr.
Robert L. Vaughn, Jr., VSB No. 20633
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October, 2014, a true copy of the foregoing Motion to Quash was sent by facsimile to the following:

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/s/ Robert L. Vaughn, Jr.
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